

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TIMOTHY WAYNE BOHANNON,)	
)	
Movant,)	
)	No. 16-1215-JDT-egb
VS.)	No. 16-1171-JDT-egb
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER DIRECTING CLERK TO DOCKET § 2255 MOTION FILED
IN CASE #16-1215 AS A SUPPLEMENTAL § 2255 MOTION
IN CASE #16-1171 AND CLOSE CASE #16-1215 AS DUPLICATIVE

On June 22, 2016, the Movant, Timothy Wayne Bohannon, through counsel, filed a motion to vacate or correct sentence pursuant to 28 U.S.C. § 2255, which was opened as case number 16-1171-JDT-egb. (*Bohannon v. United States*, No. 16-1171, ECF No. 1.) The motion argues that Bohannon’s sentence is invalid under the decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). Along with the § 2255 motion, counsel filed a motion to hold the case in abeyance pending a ruling by the Sixth Circuit Court of Appeals on Bohannon’s pending request for leave to file a second or successive § 2255 motion. (No. 16-1171, ECF No. 5.) This Court granted the motion to hold the case in abeyance on June 23, 2016. (*Id.*, ECF No. 6.)

Acting *pro se*, Movant filed another § 2255 motion in the U.S. District Court for the Northern District of Georgia on June 27, 2016. That case was transferred to this district on

July 27, 2016, where it was opened as case number 16-1215-JDT-egb. (*Bohannon v. United States*, No. 16-1215, ECF No. 1.) In that *pro se* § 2255 motion, Bohannon also challenges his sentence under the decision in *Johnson*.

Case numbers 16-1171 and 16-1215 both challenge Bohannon's sentence pursuant to the decision in *Johnson*; therefore, the later case is duplicative and unnecessary. The Clerk is DIRECTED to docket the *pro se* motion to vacate sentence filed in case number 16-1215 as a supplemental § 2255 motion in case number 16-1171. The Clerk is further DIRECTED to close case number 16-1215.¹

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ Movant's previous *pro se* § 2255 motion was denied. *Bohannon v. United States*, No. 13-1255-JDB-egb (W.D. Tenn. Oct. 15, 2015). A *Johnson* claim was raised in that proceeding through an amendment to the original motion. *Id.*, Motion to Supplement, ECF No. 15. Following the denial of his motion, Bohannon filed an appeal, and the Sixth Circuit has granted a certificate of appealability based on *Johnson* and the grant of rehearing en banc in *United States v. Stitt*, No. 14-6158 (6th Cir. Apr. 27, 2016) (Order Granting Reh'g En Banc). See *Bohannon v. United States*, No. 15-6420 (6th Cir. June 28, 2016) (order granting limited certificate of appealability).